



IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Dave Goh, et al.

Confirmation No.: 1530

Application No.: 09/102,207

Examiner: David D. Davis

Filing Date: June 22, 1998

Group Art Unit: 2652

Title: WEB SERVER CHIP FOR NETWORK MANAGEABILITY

Mail Stop Appeal Brief-Patents
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF REPLY BRIEF

Sir:

Transmitted herewith in ***triplicate*** is the Reply Brief with respect to the Examiner's Answer mailed on July 13, 2005. This Reply Brief is being filed pursuant to 37 CFR 1.193(b) within two months of the date of the Examiner's Answer.

(Note: Extensions of time are not allowed under 37 CFR 1.136(a))

(Note: Failure to file a Reply Brief will result in dismissal of the Appeal as to the claims made subject to an expressly stated new grounds of rejection.)

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Respectfully submitted,

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PATENT APPLICATION
ATTORNEY DOCKET NO.10971798-1



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SUPPLEMENTAL AND REPLY BRIEF

Appellant herein encloses items omitted from the Appeal Brief and replies to new points raised in the Examiner's Answer for the above-identified case.

SUPPLEMENTAL INFORMATION

A. Evidence Appendix

No evidence under §§ 1.130, 1.131, or 1.132 is relied upon by appellant in the appeal.

B. Related Proceedings Appendix

There are no related decisions rendered by a court or the Board.

REPLY TO ARGUMENTS

A. Manageability Web Servers

Examiner has argued in the Examiner's Answer at page 10 and 11, as follows:

The *claimed invention* only requires the embedded processor to send manageability information for transmission over the computer network and perform network management functions independent of the host processor. The claims do not require the processor to received packets or any other communications over a network. However, assuming *arguendo* that the claimed *invention* does in fact require the processor to received packets or any other communications over a network. Figure 4 clearly shows bidirectional arrows indicating bidirectional communications (i.e. send and received packets and other communications) over the network. Therefore, contrary to appellant's incorrect interpretative conclusory statement, processor 400 of Cromer does function as a manageability web server, which is not unlike appellant's *claimed and disclosed invention*.

...Appellants statements in section D.2.a on page 11 are incorrect. Not only does Cromer show non-volatile memory 504 in figure 5, but Cromer shows microcontroller 502. Microcontrollers include a CPU core and memory (ROM or Flash memory, which is non-volatile memory) for the program, which is a plurality of executable instructions. (italics in the original)

Examiner essentially argues that logic 400 within Cromer acts as a manageability web server. This argument is made by Examiner without support from any language within Cromer that makes any suggestion that logic 400 disclosed by Cromer acts as a manageability web server or is even capable of acting as a web server.

As shown by Figure 5 of Cromer, logic 400 has relatively modest processing capability and there is no indication from Figure 5 (or any other information within Cromer) that would lead one of ordinary skill in the art to suppose that logic 400 is functioning as, or would be capable of functioning

as, a web server. While Examiner refers to logic 400 as "processor 400" this language is not utilized by Cromer. Cromer, recognizing the modest processing power of logic 400, utilizes the term "logic 400".

It is well understood by persons in the art that web servers require significant processing resources. For example, in Newton's Telecom Dictionary, The Official Dictionary of Telecommunication & the Internet, 15th Edition, Published by Miller Freeman, Inc., 1999, a Web Server is defined as "a powerful computer which connects to the Internet or an Intranet. It stores documents and files—audio, video, graphics or text—and can display them to people accessing the server via hypertext transfer protocol (http). A Web server derives its name because it is part of the World Wide Web."

Appellant does not rely on the above-cited definition, but is mentioning it merely as an example of what is commonly known and understood in the art about web servers. Appellant notes that a large percentage of the population of the United States, (and the world) utilize the internet, access web servers, and are familiar with what is meant by terms such as world wide web and web servers. No person of ordinary skill in the art would mistake logic 400, disclosed by Cromer, for a web server.

B. Reliance on Written Description of Cromer

Examiner has argued in the Examiner's Answer at page 10 and 11, as follows:

In the action mailed January, 12, 2005 it was stated in response to the same assertion presented, supra, that Cromer in "figure 4 clearly shows data lines being bi-directional between embedded processor 400 and media access controller (MAC) 308 as required by the pending claims." It is curious that appellant has not

traversed (i.e. a formal denial of one material fact that contradicts) the preceding statement. Appellant, however, has chosen to ignore the preceding statement and rely *solely* on the written specification, which appellant purports to be silent on processor 400 communicating with the MAC 308. The disclosure of Cromer includes more than the written specification. It also includes the drawings. The disclosure, specifically the drawings, contrary to appellants assertion, does in fact show and suggest processor 400 and MAC 308 communicating with each other. (italics in the original)

Examiner argues that Figure 4 of Cromer shows packet logic 400 communicating with media access controller (MAC) 308. Examiner relies on this premise to conclude that logic 400 is programmable to send manageability information to the media access controller 308 for transmission over the computer network.

Both Examiner's premise and conclusion are erroneous.

Examiner asserts that Cromer in figure 4 clearly shows data lines being bi-directional between embedded processor 400 and media access controller (MAC) 308. This is an incomplete and misleading description of what is shown in Figure 4. Figure 4 shows a bi-directional arrow extending from media access controller (MAC) 308 to physical layer 304. This bi-directional arrow is labeled MII (for MII bus). This connection (represented by a bi-directional arrow) of the physical layer 304 to MAC 304 through the MII bus is also shown in Figure 3 of Cromer, and illustrates the communication of MAC 308 with physical layer 304.

Figure 4, however, shows an additional arrow not included in Figure 3. Specifically, in Figure 4, an arrow has been added which points away from the middle of the bi-directional arrow that extends between MAC 308 and physical layer 304. This added arrow points to packet logic 400.

Cromer very specifically explains what this additional arrow (shown in Figure 4, but not Figure 3), represents. For example, *Cromer* at column 3, lines 42 through 47 states the following:

By so connecting the logic 400 at the MII bus, it can send network packets using the physical layer 304. The logic 400 according to the invention monitors logic signal from client system 104, detects states, creates packets, and sends data over the MII bus to physical layer 304.

Cromer thus specifically teaches that logic 400 sends data to physical layer 304, not to the media access controller 308.

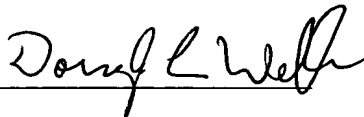
This explanation for the existence of this additional arrow (shown in Figure 4, but not Figure 3), given within the written specification of *Cromer*, is a complete explanation for the existence of the additional arrow (shown in Figure 4, but not Figure 3).

Examiner has ignored this specific explanation given by *Cromer* for the existence of this additional arrow (shown in Figure 4, but not Figure 3), and instead has chosen to assign functionality to this arrow (shown in Figure 4, but not Figure 3) which is neither taught by *Cromer* nor is in any way compatible with the teaching of *Cromer*. This is not a fair reading of what is taught by *Cromer*, but rather is a reading into *Cromer* of information that is not taught by *Cromer* and is incompatible with the written disclosure of *Cromer*.

CONCLUSION

For all the reasons discussed above and in the Appeal Brief, Appellant believes the rejection of the claims was in error and respectfully requests that the rejection be reversed.

Respectfully submitted,
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August 5, 2005
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